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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/378,858 08/23/99 KIRK I MUR-8410

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EXAMINER

TSAY, F

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 09/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/378,858</b>	Applicant(s) <b>Kirk et al</b>
	Examiner <b>Frank S. Tsay</b>	Group Art Unit <b>3672</b>

Responsive to communication(s) filed on Aug 23, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. The application has been amended as follows: In the specification as well as in the claims, the terms "centralise" and "centraliser" have been changed to "centralize" and "centralizer" respectively.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al '633 in view of Barron (GB2285649A) or Evans '075 or Seabourn '783. Langer et al discloses a centralizer for centralizing a tubular in the wellbore which comprises all of the claimed structure with the exception of the centralizer being made of elastomeric material

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recited in claims 1, 2 and filler material in claims 3, and 4. In this regard, Barron teaches the use of Zinc or Zinc alloy for centralizer making, while Evans and Seabourn teach the use of rubber and/or elastomeric material for the centralizer production for the benefit of specific wellbore drilling/production conditions. It would therefore have been obvious to one of the ordinary skill in the art at the time the invention was made to have modified Langer et al centralizer using elastomeric and/or plastic material for the centralizer construction suitable for a specific wellbore condition. Since such would have been a simple matter of engineering design consideration. The specific types of plastic/elastomeric material and filler material in the respective claims are well known and readily available in the market, hence fail to render patentable distinctions over the prior art.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bettis, O'Hair, Hawkins, Robbins, III, Barron et al, and Kalwasser all show centralizers.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Frank S. Tsay whose telephone number is (703) 308-2170. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 4:00 P.M. E.T.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Bagnell, can be reached on (703) 308-2151. The fax phone number for this Group is (703)305-3597, (703) 305-7687, or (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-2168.

A shortened statutory period for response to this action is set to expire three months from the mailing date of this letter. Failure to respond within the period for response will cause the application to become abandoned. ( 35 U.S.C. §133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Tsay/FT

September 18, 2000

